THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14487 of 2007

Dated 19th July 2007

Between:

V.Ram Mohan

... Petitioner

and

The Sub-Registrar, Stamps and Registration,
Gajwel, Medak District & another

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 14487 OF 2007

O R D E R:

Petitioner states that one Smt.G.Parwathi and K.Ramesh are the absolute owners and possessors of the land admeasuring Acs.14.27 gts, in Sy.No.137 of Srirampur village, Mulugu Mandal of Medak District. He intended to purchase the said land, and approached the 1st respondent for registration of the sale deed. When the 1st respondent refused to receive the document, without assigning any reasons, he filed W.P.No.9403 of 2007. This court disposed of the writ petition on 21.6.2007, directing the 1st respondent, to receive and process the document, in accordance with law. The grievance of the petitioner is that the

1st respondent is neither receiving the document, much less, admitting it to registration, on the ground that the above land is shown as Kharij

Katha, and treating it as Government land. This writ petition is filed, seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

While the Stamp Act stipulates the amount of stamp duty payable on a document, the Registration Act prescribes the procedure to be followed, while admitting a document, to registration. The Registering Authority is not expected to adjudicate upon the title, in relation to the property covered by the document. Recently, the Registration Act has been amended by introducing Section 22-A, with changed content. The circumstances, under which the Registering Authority can refuse registration, are mentioned in Clauses (a) to (e) of sub-section (1) thereof. Unless and until the property of the petitioner covered by the document falls into any of those categories, the 1st respondent cannot refuse registration. In case, he finds that the document cannot be registered, for any reasons, he is under obligation to communicate the same to the petitioner, within a reasonable time.

Hence, the writ petition is disposed of, directing the 1st respondent, to receive and process the document presented by the petitioner, in accordance with the provisions of the Stamp Act and the Registration Act, as amended through Act 19 of 2007, and take necessary steps, within a period of one week from the date of receipt of the document. In case, the document cannot be registered, he shall communicate the reasons in writing, within that period. There shall be no order as to costs.

_____

19th July 2007

PAN